

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Certificate of Mailing
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

HENRY A. MARZULLO, JR.

Dated:

Applicant hereby petitions that any and all extensions of the term necessary to render this response timely be granted. Costs for such extension(s) and or any other fee due with this paper, not fully covered by an enclosed check may be charged to Deposit Account #10-0100.

Inventor: Duarte Cano Carlos ANTONIO, et al

Serial No.: 09/612,925

Filing Date: 7/10/00

Group: 1641

Examiner:

Title: Expression System of Heterologous Antigens as Fusion Proteins

Docket No.: P-13 DIV (II)

Hon. Director of Patents and Trademarks
Washington, D.C. 20231
Attention: C. Horne, Customer Service Center

LETTER

Sir:

This paper replies to the "Missing Parts" notice dated November 13, 2000 and applicants advise the Patent Office that a properly signed "Oath or Declaration" was submitted on filing with this Divisional case, and it IDENTIFIED the application in the line following its title by an "X".

Also, the Declaration submitted at the time the application was filed could not identify the application by its application number and filing date as applicants did not have the filing particulars until the instant divisional case was filed in the U.S. Patent Office. Thus, applicants had no information to enter on the Declaration. Besides, the Declaration submitted was a copy from the parent application, and it was previously executed by the 10 inventors.

Therefore, it would have been illegal and highly improper to add "information or any other data" on any signed document without the inventors' initials and approval of such changes or alterations. Moreover, applicants' attorneys are not aware of any U.S. patent rule or other regulation requiring a divisional case to have a newly executed Declaration at the time of its filing.

As noted hereinabove, applicants could not note or list the Serial Number and Filing Date of this Divisional Application as they did not have this information when the application was filed on July 10, 2000.

Accordingly, no new or Substitute Declaration is believed necessary nor is a \$130 Government Surcharge fee due to the U.S. Patent Office.

Thus, the Declaration is not missing from the PTO's file records and therefore, no \$130 surcharge fee is due.

Kindly thus withdraw your "Formalities Letter dated 11/13/00" and pass this case to examination..

Respectfully submitted,

LACKENBACH SIEGEL

Dated: 12-29-00
Once Chase Road
Scarsdale, New York 10583
914-723-4300

BY: 

HENRY A. MARZULLO, JR.
Reg. No. 20,910

P-13Div(II)\amend



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/612,925	07/10/2000	Carlos Antonio Durate Cano	P-13 Div II

Henry A Marzullo Jr
Lackenbach Siegel
One Chase Road
Scarsdale, NY 10583



FORMALITIES LETTER



OC000000005547956

Date Mailed: 11/13/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE